

ASSEMBLY BILL

No. 2330

Introduced by Assembly Member Arambula

February 19, 2010

An act to amend Section 14032 of, and to add Section 14033 to, the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2330, as introduced, Arambula. California Voting Rights Act of 2001.

Existing law, the California Voting Rights Act of 2001 (CVRA), prohibits the use of an at-large election in a political subdivision if it would impair the ability of a protected class, as defined, to elect candidates of its choice or otherwise influence the outcome of an election. The CVRA provides that a voter who is a member of a protected class may bring an action in superior court to enforce the provisions of the CVRA.

This bill would require a voter to file a written claim with the political subdivision prior to filing an action in superior court seeking enforcement of the CVRA. The bill would require that the claim be filed 120 days prior to the date of the election. The political subdivision would be required to respond to the claim within 30 days or the claimant would be allowed to file an action.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The California Voting Rights Act of 2001 (CVRA) was enacted to address concerns with racial bloc voting and was intended to provide a tool to maintain a fair and open electoral system.

(b) Since the enactment of the CVRA, numerous districts have had their election systems challenged. While agreeing to make the changes sought, some districts have faced demands for significant legal expenses.

(c) During this time of unprecedented and catastrophic budget cuts, the payment of such expenses forces districts to redirect scarce resources away from the classroom and students.

(d) It is the intent of the Legislature to ensure the original objective of the CVRA is maintained, while ensuring that local governments are not unnecessarily burdened by legal fees and costs.

(e) It is the intent of the Legislature that this legislation will encourage collaboration and provide a process for reviewing and analyzing election systems to determine which electoral system will best represents local communities.

SEC. 2. Section 14032 of the Elections Code is amended to read:

14032. ~~Any~~ A voter who is a member of a protected class and who resides in a political subdivision where a violation of Sections 14027 and 14028 is alleged may file an action pursuant to those sections in the superior court of the county in which the political subdivision is located. *An action may not be brought unless the voter has presented a written claim to the political subdivision pursuant to Section 14033.*

SEC. 3. Section 14033 is added to the Elections Code, to read:

14033. (a) Prior to bringing an action alleging a violation of Sections 14027 and 14028, a voter must present a written claim to the political subdivision not later than 120 days prior to the date of the election that is the subject of the claim and the written claim shall, at a minimum, contain all of the following:

(1) The name and address of the claimant.

1 (2) A description of the circumstances which gave rise to the
2 claim

3 (3) The relief requested by the claimant.

4 (4) The signature of the claimant.

5 (b) If political subdivision does not respond to a claim presented
6 pursuant to subdivision (a) not later than 30 days after receipt of
7 the claim, the claimant may immediately file an action. In
8 responding to a claim, the political subdivision must notify the
9 respondent whether it accepts the claim, rejects the claim, or
10 proposes to resolve the claim by relief not requested by the
11 claimant.

12 (c) If the political subdivision proposes relief not requested by
13 the claimant, the claimant must notify the political subdivision
14 whether he or she accepts or rejects the proposed relief not later
15 than 30 days after notification of the proposed relief.

16 SEC. 4. This act is an urgency statute necessary for the
17 immediate preservation of the public peace, health, or safety within
18 the meaning of Article IV of the Constitution and shall go into
19 immediate effect. The facts constituting the necessity are:

20 In order to ensure that a less financially burdensome process for
21 a fair and open electoral system is provided to local government
22 agencies that are already under severe financial hardship, it is
23 necessary that this act take effect immediately.